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09/221,475

12/28/1998

KANG-DONG LEE

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7590

11/16/2006

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EXAMINER

PHAN, RAYMOND NGAN

ART UNIT

PAPER NUMBER

2111

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/221,475

Applicant(s)

LEE, KANG-DONG

Examiner

Raymond Phan

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 14-24 and 26-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 14, 16-19, 22-24, 26-30, 34, 35 and 37-41 is/are rejected.
- 7) ☒ Claim(s) 3, 15, 20-21, 28-29, 31-33, 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

1. This action is responsive to the following communications: amendment filed on September 11, 2006.
2. This application has been examined. Claims 1-6, 14-24, 26-41 are pending.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

#### ***A person shall be entitled to a patent unless --***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 16, 18-19, 39-40 are rejected under 35 U.S.C. § 102(e) as being anticipated by Reynolds et al. (US No. 5,784,549).

In regard to claim 16, Reynolds et al. disclose the method of repairing a computer comprising turn on power of the computer and letting the computer boot, load an operating system and load a user friendly graphical user interface (i.e. GUI) for the operating system using non-removable media inside the computer when possible (see col. 7, lines 25-46); checking the conflict inside the computer by non-removable media inside the computer when the computer has the operating system fully loaded and the user friendly GUI is present (see col. 7, lines 54-65);

repairing any conflicts by non-removable media inside the computer upon detection of the conflicts (see col. 7, lines 8-23); returning to the user friendly GUI for the operating system if all conflicts have been repaired (see col. 7, lines 8-23).

In regard to claim 18, Reynolds et al. disclose the conflicts selected from the group consisting of system registry and hardware information (see col. 5, lines 39-60).

In regard to claim 19, Reynolds et al. disclose a register of the operating system (see col. 5, lines 39-60); and a state data of device driver (see col. 5, lines 39-65).

In regard to claim 39, Reynolds et al. disclose the checking and repairing steps occurring when the computer is at desktop (see col. 6, lines 27-56).

In regard to claim 40, Reynolds et al. disclose the conflicts not preventing the computer from booting (see col. 7, lines 8-46).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 14, 38, 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Myers et al. (US No. 6,170,055) in view of McGill, III et al. (US No. 5,469,573).

In regard to claim 1, Myers et al. disclose a recording medium 19 for fixing a conflict of a computer system comprising a boot image loaded in a main memory installed in the computer system when the computer system is booted, for managing the operation of the computer system (see figure 1, col. 11, lines 1-9); a

conflict repair control program (i.e. recovery application) having a code means (a) loaded in the main memory of the computer system for checking whether the auxiliary memory unit is normal, and code means (b) for repairing damaged files in the auxiliary memory unit using the program image when abnormality exists in the auxiliary memory unit (see col. 13, lines 1-12). But Meyer et al. do not specifically disclose a program image consisting of an operating system and application programs to be installed in an auxiliary memory unit of the computer system and list of the operating system and application programs. However McGill, III et al. disclose the optical disk (i.e. CD-ROM disk) manufacturing system which can record the operating system programs and application programs (see col. 4, lines 24-53). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of McGill et al. into the teachings of Meyer et al. because it would reduce number of disks necessary for repairing the computer system in case of booting failure.

In regard to claim 2, McGill, III et al. disclose the recording medium is a CD-ROM (see col. 4, lines 24-52). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of McGill, III et al. into the teachings of Meyer et al. because it would reduce number of disks necessary for repairing the computer system in case of booting failure.

In regard to claims 14, Meyer et al. disclose the method of fixing the boot failure in the computer system using the removable disks comprising the step of setting the removable disk as a master device, booting the computer system (see col. 11, lines 1-22); reinstalling an OS to the hard drive (see col. 11, lines 1-20);

setting the removable disk as the master device and booting the computer again when new booting when the hard drive is set as the master fails (see col. 11, lines 1-20); backing up data files in the hard drive and formatting the hard drive (see col. 13, lines 1-26); installing an operating system recorded in the removable disk into the hard drive (see col. 11, lines 1-22); setting the hard drive as the master device and newly booting the computer (see col. 13, lines 27-35); the checking the conflict of the auxiliary memory and fixing a damaged system file (see col. 13, line 1-27; restoring the data file backed up (see col. 13, lines 1-27). But Meyer et al. do not specifically reinstalling application programs in the hard drive using the program image in the CD-ROM. However McGill, III et al. disclose reinstalling application programs in the hard drive using the program image in the CD-ROM (see col. 4, lines 24-52). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of McGill, III et al. into the teachings of Meyer et al. because it would reduce number of disks necessary for repairing the computer system in case of booting failure.

In regard to claim 38, Meyers et al. disclose the checking and repairing occurring when the computer system is fully booting to a GUI of the desktop of OS (see col. 12, line 65 through col. 13, lines 26).

In regard to claim 41, Meyer et al. disclose the damaged file not preventing the computer from booting (see col. 13, lines 1-10).

7. Claims 22-23, 26-27, 30, 34-35, 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Reynolds et al. in view of Jeon et al. (US No. 6,122,734)

In regard to claim 22, Reynolds et al. disclose the claimed subject matter as discussed above rejection except the teaching of booting, loading the operating system and providing a GUI being performed by CD-ROM disk only if the hard drive is fails to boot and provide a GUI germane to the operating system to the user. However Jeon et al. disclose the step of booting, loading the operating system and providing a GUI being performed by CD-ROM disk only if the hard drive is fails to boot (see col. 5, lines 9-55) and provide a GUI germane to the operating system to the user (see col. 5, lines 9-55). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Jeon et al. into the teachings of Reynolds et al. because it would allow users to fix problems without the need for help.

In regard to claim 23, Jeon et al. disclose CD-ROM backing up all files stored on the non-removable media (see col. 5, lines 9-55). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Jeon et al. into the teachings of Reynolds et al. because it would allow users to fix problems without the need for help.

In regard to claim 26, 37, Reynold et al. disclose the conflicts including peripheral hardware (see col. 5, lines 39-60).

In regard to claim 27, Reynolds et al. disclose the computer comprising a CPU 105 (see figure 1); an input/output device 120 enabling a user to interact with the computer (see figure 1), main memory 107 (see figure 1); an auxiliary memory 118 (i.e. hard drive) (see figure 1); checking the conflict inside the computer by non-removable media inside the computer when the computer has the operating system fully loaded and the user friendly GUI is present (see col. 7, lines 54-65).

But Reynolds et al. do not specifically disclose a CD-ROM drive used to boot up the computer, load an operating system and provide GUI when the computer fails to achieve the GUI germane to the operating system. However Jeon et al. disclose the step of booting, loading the operating system and providing a GUI being performed by CD-ROM disk only if the hard drive is fails to boot (see col. 5, lines 9-55) and provide a GUI germane to the operating system to the user (see col. 5, lines 9-55). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Jeon et al. into the teachings of Reynolds et al. because it would allow users to fix problems without the need for help.

In regard to claims 30, 34, Reynolds et al. disclose the conflicts selected from the group consisting of system registry and hardware information (see col. 5, lines 39-60).

In regard to claim 35, Reynolds et al. disclose a register of the operating system (see col. 5, lines 39-60); and a state data of device driver (see col. 5, lines 39-65).

8. Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Reynolds et al. in view of Jeon et al. and further in view of Meyers et al.

In regard to claim 24, Reynolds et al. and Jeon et al. disclose the claimed subject matter as discussed above except the teaching of searching of conflict in the hard drive using the CD-ROM; repairing the conflict found in the hard drive using the CD-ROM and reinstalling the backed up data files to the hard drive. However Meyers disclose the step of searching of conflict in the hard drive using the CD-ROM (see col. 13, lines 1-26); repairing the conflict found in the hard



drive using the CD-ROM (see col. 13, lines 1-26) and reinstalling the backed up data files to the hard drive (see col. 13, lines 18-26). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Meyers et al. into the teachings of Jeon et al. and Reynolds et al. because it would allow users to fix problems without the need for help, reduce recovery time from critical system failures, increase productivity and system usability.

***Allowable Subject Matter***

9. Claims 4-6 are allowed over the prior art of records.
10. Claims 3, 15, 20-21, 28-29, 31-33, 36, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. The reason for allowance of claims 3-6, 15, 20, 28-29, 31-33, 36 can be found in the previous Office Actions.

***Response to Amendment***

12. Applicant's arguments, see on pages 12-19, filed on September 11, 2006, with respect to the rejections of claims 1-2, 14, 16-19, 24, 26-30, 34-35, 37-41 under 35USC102/103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Reynolds et al., McGill III et al.

***Conclusion***

13. Claims 1-2, 14, 16-19, 22-24, 26-30, 34-35, 37-41 are rejected. Claims 4-6 are allowed. Claims 3, 15, 20-21, 28-29, 31-33, 36 are objected.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (571) 272-3630. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (571) 272-3632 or via e-mail addressed to mark.rinehart@uspto.gov. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 central telephone number is (571) 272-2100.

A handwritten signature in black ink, appearing to read 'Raymond Phan', with a long, sweeping horizontal line extending to the right.

**Raymond Phan**  
**November 11, 2006**